

REMARKS

Claims 1 through 6 have been canceled. New claims 7 to 17 have been added to define features of applicant's invention with better clarity. Among these, new claims 7 and 9 are the independent method claims.

As defined in the claims, a method inserts inside bone a device comprising a body adapted to undergo expansion in cancellous bone. The body includes material that plastically deforms as a result of expansion in cancellous bone. The method expands the body in the cancellous bone, which plastically deforms the body, to achieve a desired therapeutic effect. As defined in claim 7, the expansion compacts cancellous bone. As defined in claim 9, the expansion displaces at least a portion of the cortical bone. As a result of the plastic deformation, the body cannot be relied upon to reach a desired geometry during subsequent expansion in bone. Accordingly, the method removes the plastically deformed body from the bone, and instructs against reuse of the plastically deformed body.

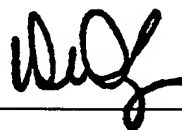
Support for the subject matter of the claims is found, e.g., on page 23, line 12 to page 24, line 20, and page 25, line 25 to page 26, line 4. By definition, "plastic deformation" means "capable of being deformed continuously and permanently in any direction without rupture" (Webster Collegiate Dictionary), which is a characteristic of the body described in the Specification, when expanded in the presence of cancellous bone, see, e.g., page 23, lines 12 to 28.

The prior art, including Scholten et al (US 5,108,404), does not teach or suggest that contact of an expandable body with cancellous bone can "create material stress during first use" to "significantly alter the molded morphology of the structure" (i.e., plastically deform the body), "making future performance of the structure unpredictable." (Specification page 23, lines 16 to 20). This characteristic of cancellous bone and the attendant result was not appreciated or recognized prior to the invention. The prior art therefore does not teach, or suggest, or comprehend that the treatment of bone that expands a body in cancellous bone for a desired therapeutic purpose should include the step of instructing against subsequent reuse of the plastically deformed body.

Preliminary Amendment A
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Allowance of claims 7 to 17 is therefore believed to be warranted and is respectfully
requested.

Respectfully submitted,



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